

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Walke *et al.*

Serial No.: 09/818,990

Filed: 3/27/2001



Group Art Unit: 1652

Examiner: S. Swope

For: Novel Human Muscle Proteins and Polynucleotides Atty Docket No.: LEX-0152-USA
 Encoding the Same (As Amended)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
 TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

Mail Stop AF

Commissioner for Patents

Alexandria, VA 22313

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed May 27, 2003 ("Final Action"), finally rejecting claims 1-3 and 6-10. The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$160.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892.

This Notice is timely filed, and Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to consider this document a petition, and charge any underpayment or credit any overpayment to Applicants' Representatives' Deposit Account No. 50-0892.

Respectfully submitted,

August 25, 2003

Date

David W. Hibler

David W. Hibler
 Agent For Applicants

Reg. No. 41,071

09/04/2003 MAILED 1 00000069 500892 09818990
 01 FC:2401 160.00 DA

LEXICON GENETICS INCORPORATED
 8800 Technology Forest Place
 The Woodlands, TX 77381
 (281) 863-3399

Custom r # 24231